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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/129,468	08/04/98	PFEIFFER M	S01.12-0448

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EXAMINER	
TRINH, M	
ART UNIT	**PAPER NUMBER**
3729	9

DATE MAILED: 08/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/129,468	Applicant(s) PFEIFFER ET AL.	
	Examiner Minh Trinh	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover she t with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *16-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Applicant's election without traverse of group I, claims 1-15 in Paper No. 7 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "adapted to"(claim 1, line 5) is not a positive limitation and does not further limit the claimed structure.

The recitation "for unloading"(claim 1, line 8-10) is not structural limitations and the prior art apparatus is capable of performing such function.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 21 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent 4481752 to Sabel.

Sabel teaches the broadly claimed "an assembly appparatus" including assembly arms 37, 53, 57 (figure 1, col. 6, line 43, col. 7, lines 9-18) and storage means 21, 17 (figure 1). It is note that the actuator mechanisms 37, 53, 57 are broadly represented arms as claimed by the present invention.

6. Claims 1, 2, 5, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 5,987,735 to Horning et al.

Horning et al teach the present invention apparatus including a frame (figures10 11), a carouse base (bottom portion of 316) (col. 16, lines 65-67), an assembly arm 318 (figure 10, col. 17, lines 1-3).

Regarding claim 2, Horning et al teach the motor 106 coupled to the common base (as discussed col. 11, lines 48-50).

The recitation "adapted to"(claim 1, line 5) is not a positive limitation,

Functional recitation "for unloading"(claim 1, line 8-10), etc. are not structural limitations and the prior art apparatus is capable of performing such functions.

Claim Rejections - 35 US

7. The following is a quotation of 35 U.S.C. 103(a) obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not idei forth in section 102 of this title, if the differences between the sub

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 3-6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horning et al in view of US patent 5,077,888 to Tokisue et al.

Horning et al teach the present invention except to disclose a vacuum source operably coupled to the base. Tokissue et al teach a vacuum source 22, 74 operatively associated with the base 1, 5 (figures 5, 18, discussed at col. 7-8). It would have been obvious to one having skill in the art to incorporate the teaching of a vacuum source operatively associated with the base as taught by Tokisue et al onto the invention of Horning et al in order to provide a means for positioning of the parts with respect to the base effectively and efficiently.

9. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horning et al.

Horning et al teach the present invention except to disclose a plurality of carousel bases. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a number of carousel bases couple to the apparatus, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. In the instant case the broadly claimed apparatus includes another duplication of carousel base to form a number of bases on a same device involves only routine skill in the art.

10. Claims 11-15, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horning et al in view of US patent 4,481,752 to Sabel.

Horning et al meet all the aspect of the present invention except for the plurality of assembly arms Sabel teach a plurality of assembly arms 37, 53, 57 etc on the loading apparatus. It would have been obvious to one having skill in the art to apply the teaching of a plurality of assembly arms such material as taught by Sabel on the invention of Horning et al for various well known benefits including loading and unloading the working part more efficiently.

Furthermore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a number of assembly arms couple to the carousel base, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308 2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
August 13, 2001

8/17/01
LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700